

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 2/13/2020

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EUGENE DUNCAN AND ON BEHALF OF :  
ALL OTHER PERSONS SIMILARLY :  
SITUATED, :  
: 19-CV-7926 (VEC)  
Plaintiff, :  
: ORDER  
-against- :  
: 38 WEST 26TH STREET RESTAURANT :  
CORP, :  
: 38 WEST 26TH STREET RESTAURANT :  
Defendant. :  
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VALERIE CAPRONI, United States District Judge:

WHEREAS on February 12, 2020 (Dkt. 11), the parties notified the Court that they have reached an agreement in principle resolving all issues;

IT IS HEREBY ORDERED THAT all previously scheduled conferences and other deadlines are CANCELLED.

IT IS FURTHER ORDERED that this case is DISMISSED with prejudice and without costs (including attorneys' fees) to either party. The Clerk of Court is respectfully directed to terminate all open motions and to CLOSE the case.

Within **30 days** of this order, the parties may apply to reopen this case. Any such application must show good cause for holding the case open in light of the parties' settlement and must be filed within **30 days**. Any request filed after 30 days or without a showing of good cause may be denied solely on that basis.

Additionally, if the parties wish for the Court to retain jurisdiction to enforce their settlement agreement, they must submit **within the same 30-day period**: (1) their settlement agreement to the Court in accordance with Rule 6.A of the Court's Individual Practices and (2) a

request that the Court issue an order expressly retaining jurisdiction to enforce the settlement agreement. *See Hendrickson v. United States*, 791 F.3d 354 (2d Cir. 2015).

**SO ORDERED.**

**Date: February 13, 2020**  
**New York, NY**

  
**VALERIE CAPRONI**  
**United States District Judge**